

REMARKS

The present response replies to the Office Action dated May 31, 2007. In this response, claims 1-22 and 44-54 have been withdrawn, no claims have been added, cancelled or amended. Claims 23-43 are pending. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner has rejected claims 34-40 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Williams et al., U.S. Pat. No. 6,827,444, in view of Roh, U.S. Pub. Pat. App. No. 2004/0218241. Applicants traverse this rejection and submits that the Examiner has not established a *prima facie* case of obviousness.

Applicants teach a novel and unobvious technique for capturing images of an eye with an iris and pupil, wherein a “final” image is captured and output when the size and position of the iris or the pupil is of a predetermined size/position. Before the final image is captured and output, images are constantly being captured and analyzed. In one exemplary approach, the size of the iris/pupil is manipulated by changing the amount of light to which the eye is exposed. The use of the final image provides an image of the eye with consistent parameters (e.g., the size and position of the iris/pupil) that allows for the processing of the image of the eye.

Williams does not teach nor suggest the capturing of images of an eye and outputting that image predetermined iris/pupil size/position. Williams teaches the capturing of an image of the eye, and then processing the image to reconstruct a wavelet. FIG. 13, col. 24, lines 4-17. The capture and output of a final image is not based on the detection of when the size/position of the iris/pupil is of a particular size/position.

Claim 34 recites “outputting a final image if the size and location matches the predetermined size and position, respectively.” Williams does not teach nor suggest this limitation. Further, Applicants submit that Roh does not address this deficiency of Williams. Independent claim 37 recites a similar limitation.

Claim 40 recites “determining a distance from each corner of the image to the edge of the pupil along two diagonal paths, each diagonal path defined by two diagonally opposing corners of the first image.” Williams does not teach nor suggest this limitation. Further, Applicants submit that Roh does not address this deficiency of Williams.

Applicants submit that the dependent claims that depend from the independent claims recited above are also allowable for the same reasons stated above.

In view of the foregoing discussion, Applicants submit that the §103(a) rejections are overcome. Thus, Applicants respectfully request that the §103(a) rejections be withdrawn.

ALLOWED CLAIMS

The Examiner has allowed claims 23-33 and noted that claims 41 and 43 as being allowable if they are amended to recite the limitations of their respective base claims and intervening claims. Applicants respectfully decline to make these amendments as Applicants currently submit that the independent claims from which they depend are allowable based on the arguments submitted above.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

PETITION FOR EXTENSION OF TIME

Applicants hereby petitions for a two (2) month extension of time to respond to the Office action. Please charge the fees for the petition to Deposit Account No. 50-1946. Further,

please charge any additional fees which may be required, or credit overpayment to Deposit Account No. 50-1946.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. If the Examiner feels the application is not in condition for allowance, the Examiner is invited to call the Attorney below to discuss any steps the Examiner feels is necessary to put the case in condition for allowance.

Respectfully submitted,

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